

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Southern Division)**

CONNECTICUT GENERAL LIFE
INSURANCE COMPANY, *et al.*,

*

*

Plaintiffs/Counter-defendants,

*

v.

Civil Action No. DKC-14-2376

*

ADVANCED SURGERY CENTER
OF BETHESDA, LLC, *et al.*,

*

Defendants/Counterclaimants.

*

* * * * *

STIPULATION OF DISMISSAL OF REMOVED ACTIONS

Plaintiffs-Counterclaim Defendants Connecticut General Life Insurance Company, and Cigna Health and Life Insurance Company (collectively “Cigna”) and Defendants-Counterclaimants Advanced Surgery Center of Bethesda, LLC; Bethesda Chevy Chase Surgery Center, LLC; Deer Pointe Surgical Center, LLC; Hagerstown Surgery Center, LLC; Leonardtown Surgery Center, LLC; Maple Lawn Surgery Center, LLC; Maryland Specialty Surgery Center, LLC; Monocacy Surgery Center, LLC; Piccard Surgery Center, LLC; Riva Road Surgical Center, LLC; SurgCenter at National Harbor, LLC d/b/a Harborside Surgery Center; SurgCenter of Glen Burnie, LLC; SurgCenter of Greenbelt, LLC; SurgCenter of Silver Spring, LLC; SurgCenter of Southern Maryland, LLC; SurgCenter of Western Maryland, LLC; SurgCenter of White Marsh, LLC; Timonium Surgery Center, LLC; Upper Bay Surgery Center, LLC; and Windsor Mill Surgery Center, LLC (collectively “the ASCs”) respectfully submit this Stipulation of Dismissal of Removed Actions, pursuant to Fed. R. Civ. P. 41(a)(1).

1. On July 25, 2014, Cigna sued the ASCs for various claims arising out of the ASCs' allegedly improper billing practices.

2. On October 21, 2014, the ASCs countersued Cigna for Cigna's allegedly improper denial of the ASCs' claims for payment.

3. Both Cigna and the ASCs have asserted claims under the Employee Retirement Income Security Act, 29 U.S.C. § 1001 *et seq.* ("ERISA").

4. The ASCs also filed numerous small claims complaints against Cigna in the Maryland State District Courts for Cigna's allegedly improper denial of the ASCs' claims for payment. At the time those complaints were filed, the ASCs had no way of knowing which such claims were governed by ERISA plans. Cigna removed to this Court numerous such claims that were governed by ERISA plans (the "Removed Actions"), while leaving in state court those claims that were not governed by ERISA plans.

5. By Orders dated September 11, 2014, and July 15, August 4, August 20, and September 11, 2015, the Court consolidated the Removed Actions with this case.

6. On September 28, 2015, the Parties agreed that each of the Removed Actions is governed by the claims in the present case (Case No. DKC-14-2376) and will be resolved by any judgment issued by the Court in the present case.

7. Accordingly, the Parties stipulate to the dismissal without prejudice of the Removed Actions currently filed in the present case's docket, bearing the docket numbers: 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 82, 83, 84, 85, 86, 87, 88, 89, 90, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 114, 115, and 116.

Respectfully submitted,

/s/

Terence Y. Leong
(signed by Andrew D. Freeman with
permission of Terence Y. Leong)

Joshua B. Simon
Warren Haskel
Terence Y. Leong
Kirkland & Ellis LLP
601 Lexington Avenue
New York, NY 10022
Tel: 202-446-4800
Fax: 202-446-6460
jsimon@kirkland.com
whaskel@kirkland.com
terence.leong@kirkland.com

Stuart A. Berman (Bar No. 08489)
London & Mead
1225 19th Street, N.W., Suite 320
Washington, D.C. 20036
Tel: 202-331-3334 x. 208
Fax: 202-785-4280
sberman@londonandmead.com

Attorneys for Plaintiffs/Counter-defendants

Date: October 9, 2015

/s/

Andrew D. Freeman (Bar No. 03867)
Kevin D. Docherty (Bar No. 18596)
Brown, Goldstein & Levy, LLP
120 East Baltimore Street, Suite 1700
Baltimore, MD 21202
Tel: (410) 962-1030
Fax: (410) 385-0869
adf@browngold.com
kdocherty@browngold.com

Ian I. Friedman (Bar No. 17288)
8229 Carrbridge Circle
Towson, MD 21204
Tel: (443) 415-5601
ifriedman@surgcenter.com

Attorneys for Defendants/Counterclaimants